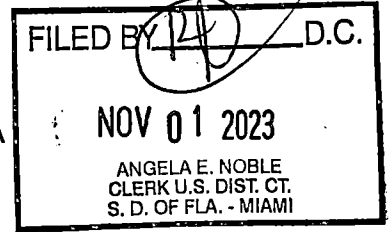


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA



UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
ALEXANDER JUAN, )  
Defendant. )

Docket No: 113C 1:22CR20341

**DEFENDANT'S REQUEST FOR TWO LEVEL REDUCTION AND RECALCULATION  
OF SENTENCE**

Alexander Juan ("Juan"), acting pro se', hereby moves the Court to reduce his Sentencing Guideline calculation by two levels and recalculate his sentence, for the reasons that follow:

**PROCEDURAL INFORMATION**

1. Juan was indicted on or about July 28, 2022, on fifteen counts related to health care fraud.
2. On March 1, 2023, Juan pled guilty to the first count of Conspiracy to Commit Health Care Fraud and Wire Fraud.
3. On or about June 28, 2023, this Honorable Court sentenced Juan to a term of 48 months.

### **SENTECING COMMISSION PRONOUNCEMENT**

4. On August 24, 2023, the United States Sentencing Commission ("USSC") proposed an Amendment to the Sentencing Guidelines providing for a two-level reduction in Sentencing Guideline calculations for defendants who have no prior criminal history (the "Amendment"). The USSC proposal had an effective date of November 1, 2023 (the "Effective Date") with the Amendment deemed automatically effective unless the United States Congress has taken action to reject the proposal prior to the Effective Date. Congress has taken no action to subvert the Amendment prior to the Effective Date, making the Amendment effective.

5. The Amendment, in part, provides that Part B, Subpart 1 of Amendment 821 creates a new Chapter Four guideline at §4C1.1 providing a decrease of two levels from the offense level determined under Chapters Two and Three for defendants like Juan who have zero criminal history points.

6. In accordance with the Application Notes of the Amendment (Section B(iii)), this Honorable Court may take into account Juan's post-sentencing conduct. To that end, Juan hereby submits that Juan has evidenced the capability to successfully re-enter society as a productive member by:

- a) Participating in classes including, Parenting, CDL, and Money Smart,
- b) Coaching and serving as a mentor to several younger gentlemen regarding physical exercise and accountability,
- c) Actively engaging in religious services, Bible study and other religious classes,
- d) Guiding fellow inmates in the landscaping department where staff has placed me in a supervisory role based on my experience and work ethic,

- e) Being selected by the administration to serve as the town driver due to their positive impressions of my character and dependability, and
- f) Volunteering for various other jobs within the compound and routinely taking on responsibilities no one else wants to do (for example, I recently cleaned the stairwells for the first through third floors for the entire building).

7. Moreover, Juan has five children ranging in age from three months to seventeen. Juan's oldest daughter (seventeen) is struggling in his absence and recently ran away from home. Juan has been a loving and involved father and the family in facing considerable financial and emotional challenges without him.

8. Juan recognizes and acknowledges that the Amendment states "The court shall not order a reduced term of imprisonment based on Part A or Part B, Subpart 1 of Amendment 821 unless the effective date of the court's order is February 1, 2024, or later." This provision empowers courts to grant a reduction and recalculation prior to February 1, 2024, so long as it does not go into effect prior to such date.

9. The Amendment specifically notes in referencing Section 1B1.10 (a) 3, that the two-level reduction does not constitute a "resentencing" by noting "Consistent with subsection (b), proceedings under 18 U.S.C. § 3582(c)(2) and this policy statement do not constitute a full resentencing of the defendant." For that reason, Juan humbly requests a recalculation of his sentence and not a resentencing.

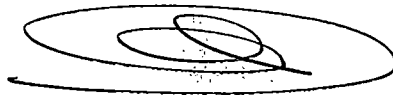
10. Given the foregoing, Juan respectfully beseeches this Honorable Court to reduce Juan's Sentencing Guideline calculation by two-levels and recalculate Juan's sentence accordingly, to be effective from and after February 1, 2024.

### **CONCLUSION**

WHEREFORE, the Court should grant this motion, order a two-level reduction of Juan's calculation under the Federal Sentencing Guidelines, and recalculate Juan's sentence reflecting the aforementioned two-level reduction, to be effective as of February 1, 2024.

Dated: November 1, 2023

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a cursive 'J' and 'U'.

---

Alexander Juan  
Register Number: 13977-510  
FPC Pensacola  
Federal Prison Camp  
PO Box 3949  
Pensacola, FL 32516

### CERTIFICATE

I hereby certify that I have placed a true and correct copy of the foregoing in the U.S. Mail with first class postage prepaid and properly addressed to the following on this 1<sup>st</sup> day of November, 2023:

Lindsey Lazopoulos Friedman, Esq.  
Assistant United States Attorney  
Southern District of Florida  
99 NE 4<sup>th</sup> Street  
Miami, FL 33132  
PH - (305) 961-9168  
Email – [lindsey.friedman@usdoj.gov](mailto:lindsey.friedman@usdoj.gov)



---

Alexander Juan  
Register Number: 13977-510  
FPC Pensacola  
Federal Prison Camp  
PO Box 3949  
Pensacola, FL 32516

**Alexander Juan**  
**Register Number: 13977-510**  
**FPC Pensacola**  
**Federal Prison Camp**  
**PO Box 3949**  
**Pensacola, FL 32516**

---

November 1, 2023

The Honorable Jose E. Martinez  
United States District Court Judge  
Southern District of Florida  
Wilkie D. Ferguson, Jr. United States Courthouse  
400 North Miami Avenue  
Miami, Florida 33128

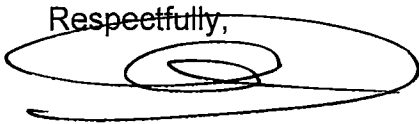
**Re: United States v. Juan**

Dear Judge Martinez:

Included herewith please find my pro se' motion respectfully requesting a two-level reduction in my Sentencing Guideline calculation and a recalculation of my sentence based on such a two-level reduction as proscribed by the United States Sentencing Commission in an August 24, 2023, Amendment to the Sentencing Guidelines (Preliminary).

Thank you very much for your consideration.

Respectfully,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the bottom.

Alexander Juan

cc: Clerk of Court, Angela E. Nobleck  
Assistant U.S. Attorney, Lindsey Lazopoulos Friedman

PRESS FIRMLY TO SEAL



PRESS FIRMLY TO SEAL

PRIORITY MAIL EXPRESS  
FLAT RATE ENVELOPE  
POSTAGE REQUIRED

# PRIORITY MAIL EXPRESS®

## FLAT RATE ENVELOPE

ONE RATE ■ ANY WEIGHT

To schedule free Package Pickup,  
scan the QR code.



USPS.COM/PICKUP



PS10001000006

EP13F July 2022  
OD: 12 1/2 x 9 1/2

# E



U.S. POSTAGE  
\$28.75  
PME 1-DAY  
33187  
Date of sale  
10/31/23  
02 8W 00  
8813300341

PRIORITY MAIL EXPRESS 1-DAY®

ALEXANDER JUAN  
PO BOX 3849  
PENSACOLA FL 32516-3849

2.50 oz

RDC 07

WAIVER OF SIGNATURE REQUESTED

SCHEDULED DELIVERY DAY: 11/01/23 08:00 PM

C075

SHIP TO:

ANGELA E. NOBLECK  
CLERK OF COURT  
400 NORTH MIAMI AVE  
MIAMI FL 33128-1801



USPS TRACKING® NUMBER



9570 1066 7511 3304 3685 17

NATIONAL USE  
EL HERE

d for domestic  
ions.

00 of insurance

PO/DPO and

ete details.

only.

etails regarding claims exclusions see the

N LABEL MAY BE REQUIRED.

USPS INSPECTED  
BY



UNITED STATES  
POSTAL SERVICE.

This packaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail Express® shipments. Misuses may be a violation of federal law. This package is not for resale. EP13F © U.S. Postal Service, July 2022. All rights reserved.